

By: Ellis

S.C.R. No. 1

CONCURRENT RESOLUTION

1 WHEREAS, Certain persons committed or formerly committed to  
2 facilities operated by the Texas Youth Commission allege that:

3 (1) the West Texas State School is a facility under the  
4 jurisdiction and direction of the Texas Youth Commission;

5 (2) recent investigations of the West Texas State  
6 School by the Texas Rangers have reported that school personnel  
7 have engaged in inappropriate and illegal sexual conduct with  
8 persons committed to the facility;

9 (3) the reported sexual conduct went undiscovered for  
10 a substantial period of time, especially considering the duration  
11 of the incidents and the number of persons involved;

12 (4) the "Summary Report for Administrative Review"  
13 prepared by an investigator for the Texas Youth Commission makes  
14 the following findings:

15 (A) information regarding use of pornography on  
16 the job, a recognized risk indicator of sexual misconduct, was not  
17 considered in the selection of certain supervisory staff members;

18 (B) repeated reports of school staff being alone  
19 with persons committed to the facility after hours were not  
20 properly reported and not addressed with documented supervisory  
21 intervention;

22 (C) youth and employee grievance programs at the  
23 facility were ineffective and sabotaged, and complaints that were  
24 made off campus were explained away by facility staff when

1 investigated or the evidence of misconduct was covered up;

2 (D) complaints regarding the conduct of facility  
3 staff that were reported to program administrators and persons with  
4 authority over the administrators at the facility were not properly  
5 registered to a complaint system or investigated;

6 (E) certain complaints made about the  
7 unsupervised presence of persons committed to the facility in the  
8 administration building after hours were not properly registered to  
9 a complaint system or assigned for resolution;

10 (F) supervisory staff of the facility failed to  
11 report the suspicions of abuse regarding other staff members,  
12 screening the reports by conducting personal interviews; and

13 (G) the standard for reporting suspected abuse,  
14 neglect, and exploitation at West Texas State School was kept  
15 artificially high by the screening of reports at the local level for  
16 evidence of validity before reporting, and staff members who  
17 reported their concerns without evidence were discouraged from  
18 reporting;

19 (5) similar allegations of physical and sexual abuse  
20 have been made by persons committed to many of the other Texas Youth  
21 Commission facilities in this state; and

22 (6) the conduct described above was carried out by  
23 state employees during official working hours in state facilities,  
24 involved the use of state resources, and reportedly victimized  
25 youths under the direct supervision of the Texas Youth Commission;  
26 now, therefore, be it

27 RESOLVED by the Legislature of the State of Texas, That a

1 person committed or formerly committed to any facility operated by  
2 the Texas Youth Commission, or a parent or guardian of such a  
3 person, with a claim based on the conduct of a state employee in a  
4 facility under the jurisdiction of the Texas Youth Commission is  
5 granted permission to sue the State of Texas and the Texas Youth  
6 Commission, subject to Chapter 107, Civil Practice and Remedies  
7 Code, for damages authorized by law; and, be it further

8         RESOLVED, That the executive director of the Texas Youth  
9 Commission and the attorney general be served process as provided  
10 by Section 107.002(a)(3), Civil Practice and Remedies Code.